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»We shall gladly accept every suggestion, and we shall not only accept it, but ourselves give the initiative for ensuring cooperation whether in the economic ar any other field between Yugoslavia and Italy, which are economically considerably oriented towards each other and in such an exceptionally favourable geographic position«.

(President TITO)

LOOKING FORWARD

By

Dr. Aleš BEBLER

THERE were many people in the world who hardly believed their eyes when they read in the papers, about ten days ago, that the Trieste issue had been solved. For years the reports about the dispute over Trieste were such that it seemed insoluble economically, historically, ethnically; in every regard the contradictions were quite profound. World public opinion must have been especially deeply impressed by all that was said about the apparently unbridgeable gulf between the two nations. This difficulty seemed the greatest, and because of it the Trieste dispute appeared to be one of which at least one whole generation was to put up with.

The news about the agreement therefore came as a kind of miracle. But, like every miracle, this too is explained by the action of natural or social laws. The Trieste miracle is explained by the wish of the two neighbouring nations for peace on their frontiers and for peace in general. This fundamental and most profound wish of all the peoples in our time played the principal role in this case too.

This fact will be decisive also for the further development of Yugoslav — Italian relations. As in the case of the settlement of the Trieste issue itself, the wish of both nations to live in peace and good neighbourly relations is now to be translated into the language of practical politics. The solution of the Trieste issue has without doubt paved the way for such practice.

Yugoslavia and Italy are the most important to each other as neighbours. They have the longest common frontier, if we consider that the Adriatic Sea, if not formally, at least essentially, is their common frontier. The two countries have in a great measure complementary economies, so that it will not be possible to cover their joint economic interests by commercial agreements: and we shall actually have to consider the organization of a general economic cooperation. Our two countries are unavoidably called upon to cooperate also in the political field, in view of their position as neighbours, as well as their geographic situation, in order to safeguard their separate and general European interests in regard to the consolidation of political conditions in this part of the world.

As regards economic cooperation, all the necessary conditions have been created for starting talks and negotiations in the near future about its form and content. Foundations have been laid for political cooperation by the settlement of the Trieste issue. Steps should now be taken for clarifying the atmosphere on this solid basis. Both nations should be brought closer by mutual acquaintance through various forms of contact in the spheres of science, culture, sports etc., so that the widest public in both Yugoslavia and Italy may learn to esteem and respect what is estimable in the neighbour country, what can bear good fruit and enrich both sides — and this is to be found in abundance in both countries.

Dr. Milan BARTOŠ

Ambassador and Counsellor in the
State Secretariat of Foreign Affairs

The Trieste Problem from a Legal Point of View

THE approval of the Memorandum of Agreement between the Governments of Yugoslavia, Italy, the United Kingdom and the United States of America has given rise, in this country and in the world at large, to a number of legal questions. Answers to these questions are of far-reaching political and practical importance. At the present moment it is not at all easy to tell what these questions are and still less easy to give a definite answer to them, because every answer is a unilateral interpretation of the legal rules of International Law. These rules are often a subject of controversy, and their application to international practice is considered to be absolutely correct only when approved by the other party and by the international court of justice. Only with these reservations is it now possible to give some interpretations and answer some open questions which the Memorandum gives rise to.

THE TRIESTE MEMORANDUM AS A LEGAL ACT AND AN INTERNATIONAL CONTRACT

(1) Is the Memorandum a legal act or merely a political expedient? Many journalists consider it to be a political expedient. It is evident, however, that the countries that have accepted the Memorandum do not consider it to be only a political act, but a legal act as well. It is a legal act because it creates and changes legal situations; the States assume direct obligations to do something, to yield something and to abstain from doing certain things. This agreement not only contains clauses which have to be acted upon, but also prescribes certain principles which have to be strictly applied in the future as legal rules. One such rule is the Minority Statute.

(2) What is, in fact, the exact meaning of the word Memorandum? A certain number of European lawyers are here under a misapprehension. This is to be explained by the fact that, in Europe, the word Memorandum usually means a communication imparted by one party, i. e., by one Government, to the other party, or to the other Government, transmitting its views or its attitude towards facts involved in an open question. Contrary to this, the word Memorandum in the diplomatic vocabulary of the English speaking nations means a note to help the memory, and it is very often used to denote a written Statement serving as evidence that certain parties have reached an agreement as a result of previously conducted oral negotiations. That is why a Memorandum does not bring into existence a contractual relation but merely corroborates an orally concluded agreement between the parties concerned. The word Memorandum, therefore, in its latter meaning, is a written proof showing the existence of an oral agreement.

(3) Another question which has often been discussed by the lawyers is the following: can international agreements be concluded in any form or, does International Law adhere to the principles that international agreements must be concluded in written form only. Should the latter view be accepted this would have enormous practical consequences. In this case, the Memorandum, not being an act of agreement but only a proof that such an agreement has been orally reached, would not in fact, be an international agreement at all. If we adhere, therefore, to the classical opinion as regards the form of agreement, the Memorandum is not an international agreement. However, the notion of the international agreement has undergone a change. The United Nations Charter lays it down that treaties must be registered. This would imply that, according to the United Nations Charter, agreements should be made in the written form. However, Art. 1 of the Order, dealing with the registration of treaties, with the United Nations, considers as international treaties both those made in written form, and those reached orally, but recorded in written form. UNO, therefore, declares that even those international agreements which have been reached orally, but of which there is a written record, may be duly registered.

(4) Some lawyers and some journalists have remarked that the Memorandum was not signed, but only initialed. They have asked whether it is necessary to sign the Memorandum subsequently so that it may have a legal effect. This opinion is held by a great number of older lawyers who still adhere to the old formula of the written form of agreement. If the agreement is to be given a written form, it must be signed, and it can only then be considered as an agreement in the real sense of the word. Initialing according to those lawyers who belong to the old school, is a proof that the negotiators have agreed on some text which, however, cannot be considered as an international agreement unless approved by the competent authorities. If we look at the Memorandum from this point of view, it cannot be treated as an international agreement, but merely as an act which may lead to a treaty. However, as this is not a written international agreement, but just a record of an international agreement orally concluded, the initials put by the representatives of the States imply that such representatives recognize the fact that they have reached an oral agreement. In this case the initials signify that the contents of the agreement have been duly recorded. In case the text of the agreement provides that the parties have agreed on some rules, then this means, at the same time, that the parties concerned have accepted such an oral agreement. No subsequent signing is required in such a case.

(5) There is another point of controversy. Is the Memorandum a legally binding agreement between the parties that have reached it, or is it a joint declaration? In the world press we can find some opinions that the contents of the Memorandum must be considered as a joint declaration on the attitude of the Governments that have agreed on this Memorandum, transmitting it to the other Governments. We are of the opinion that such a view is utterly wrong. A joint declaration means that those who issue such a declaration express their will towards the States that have not taken part in the issuing of such a declaration. A declaration may also mean that the States that have published it express their joint attitude towards particular principles. It may also express their attitude towards certain problems and their solutions. It may also express their joint resolution as regards their future conduct. The provisions of the agreement contained in the Memorandum are, however, such that they directly regulate certain obligations of the contracting parties as already mentioned under (1). One could perhaps, hold the opinion that the Memorandum contains some provisions which are mere statements of fact, but there are many more provisions that are of a real contractual character. The provisions of the Memorandum stipulate for direct obligations of the States that have taken part in its drawing up. This is, undoubtedly, an international agreement.

There is another problem to be solved. The Great Powers have declared that they will neither help nor acknowledge the territorial aspirations of Yugoslavia and Italy which go beyond the frontiers fixed by Art. 1 of the Memorandum. Is this to be treated as a declaration? This announcement is not embodied in the text of the Memorandum. It is a separate announcement of the Governments that have made it. One would, therefore, feel inclined to treat it as a unilateral, formal and legal act, i. e. as a solemn declaration, u r b i e t o r b i, addressed to the world at large and expressing principles of future conduct of these particular Governments. As a rule, such an announcement does not produce a contractual effect. This implies that the State that has made such an announcement may, of its own free will, either change it or renounce it. However, if the solemn declaration is addressed to the other individual States, and especially if the solemn declaration is the result of negotiations to the effect that such a declaration will be made by the third States, and if the promises to do so have been made before, such as is the case here, then such

a declaration must be treated as a so-called anticipated declaration. The declaration then becomes a guaranty. An agreement to this effect is considered to be reached between the guarantee and the guarantor. The declaration of guaranty has been preceded by an oral agreement between the guarantee and the guarantor. This guaranty is of a special kind, implying an obligation to abstain from doing things and not an obligation to do. In any case, this guaranty constitutes an obligation of the Great Powers, which has been agreed upon before and which has been anticipated. Such an obligation is a condition for the reaching and fulfilment of the Agreement itself.

AGREEMENT ON TRIESTE — A NEGATION OF THE TRIPARTITE DECLARATION AND OF THE ACT OF 8-X-1953

(6) Another question which has been a subject of lively discussion is the following: what are the relations between the agreement contained in the Memorandum and the Tripartite Declaration of 1948. The three Great Powers then declared that, owing to the impossibility of creating conditions for the establishment of the Free Territory of Trieste, they were ready to give their support to the view that the whole territory of the FTT should be ceded to Italy. The problem is whether Italy has any present claim to ask the Great Powers to comply with this obligation. First of all, nobody can dispose of things which are not his to dispose of. This Declaration was, therefore, neither an act of disposition nor an obligation as regards future acts, but only a political move at a particular moment. The problem whether States which have made a solemn declaration may, or may not alter their view may be a subject of discussion. One thing, however, is clear: Italy has agreed to the Memorandum and the two Great Powers that issued the Tripartite Declaration have initialed the Memorandum. This implies that these Powers have implicitly rejected the Declaration, and Italy has explicitly agreed to accept the new solution which is different from the original Declaration. Apart from this, the Declaration was not meant to produce an immediate effect, but merely to serve as a political device to induce the Soviet Union to revise the Peace Treaty. The Soviet Union rejected this proposal so the Declaration must be considered as irrelevant. The Memorandum, therefore, does not depend upon the Declaration. On the contrary, the Memorandum is a clear negation of the Declaration.

(7) There is also the question whether the Memorandum is an act which fulfils the objectives set by the Governments of Great Britain and the United States, in their decision of October 8th, 1953. It has been alleged that the decision of the American and British Governments produced, as far as the territory is concerned, a very similar effect to that produced by the Memorandum of October 5th, 1954. This alleged similarity is a legal absurdity. First of all, the Declaration of October 8th, 1953 was a unilateral declaration of the two mandatory Powers, whereas the Memorandum is an act of agreement between these Governments and the other Governments concerned. The very nature of the act, therefore, is different. While the Declaration of 1953 was a unilateral act, we are now in the presence of an agreement. A substantial difference is to be seen in the way in which the problem of Zone B has been dealt with. While the declaration of 1953 tacitly ignored this problem, the Memorandum explicitly puts Zone B and some parts of Zone A under Yugoslav civil administration. The same applies to the Italian authority over Zone A in so far as it is ceded to the Italian civil administration. The aim of the Anglo-American decision of October 8th, 1953 was to hand over this territory to Italy without any limitations, while the Memorandum cedes it to Italy, but subject to many restrictions, the Minority Statute being the most important one.

THE TRIESTE AGREEMENT AND THE PEACE TREATY WITH ITALY

(8) The defenders of the legal character of the new Memorandum are greatly worried by its relation towards the Peace Treaty with Italy, of February 10th, 1947. This Treaty provided that the new political and territorial unit, the Free Territory of Trieste, was to become the subject of International Law. Yugoslavia and Italy undertook the obligation to recognize it as the subject of the Law of Nations. The question is whether they are at liberty to ignore this. In order to answer this question, we must consult the theory of International Law dealing with buffer States. There are two sorts of buffer States. The first separates the territories of two States in order to diminish chances of hostilities at strategically important points. In this case buffer States are created in order to serve the cause of world peace and of international security. The interested States have no right to alter the international solution. The second kind of buffer State covers the territory claimed by adjacent States. A buffer State is in this case created only if it is not possible to reach agreement on the problem of the frontiers. If we consult the archives of the Paris Conference, especially those dealing with the frontier line proposed by the French Government, it becomes clear that the Free Territory of Trieste was not created because a buffer State was necessary to separate Italy from Yugoslavia. The reason was, as claimed by the makers of the Paris Treaty, to be found in the impossibility of creating an ethnical balance which would result in handing over an equal number of Yugoslavs and Italians to Yugoslavia, and to Italy. Under such circumstances the buffer State is a provisional solution. Such a solution was imposed by the international community on the neighbouring States, because conditions were not present for an acceptable delimitation, and because it was impossible to reach agreement between the States concerned. This agreement was, however, subsequently reached. The solution accepted by the Peace Conference, therefore, became irrelevant, and the States were free to solve their conflict, because the solution adopted by the Peace Conference was simply an order to solve this problem.

(9) Some objections were raised that the States which drew up this Memorandum were not entitled to solve the problem, because it had already been solved at the Peace Conference. The correct solution, therefore, would be to convene a new Conference of those Powers that were signatories to the Peace Treaty, because only taken together can they unanimously solve the problem. This is entirely incorrect because the only aim of the Peace Conference was to bring the state of war to an end and to proclaim peace. The state of war has been superseded by a normal situation in which the States can make use of their rights, the right of delimination included, if it is not expressly denied to them by the Peace Treaty. So, for instance, Austria, after the Treaty of St. Germain, might have concluded treaties to revise its frontiers with all the States, except with Germany, because the Anschluss was prohibited, while it was entitled, as a sovereign State, to dispose its other territories at its own free will.

The assembly of the States which took part in the Peace Conference were not capable of solving this problem. There are many reasons for this, but we shall mention only three of them.

(a) The Paris Conference did not take final decisions as regards the text of the Peace Treaty. It only passed its recommendations to the Council of Foreign Ministers, and the final decision rested with the Council as to which text, i. e., which decision, to adopt. This means that the Conference had only a consultative character, and it could not now decide on questions which it was unable to decide upon at the time when it made its original decisions.

(b) The Peace Conference was not a permanent body. It was formed in consideration of the special relations which at that moment existed between Italy and other States. When the Peace Conference was concluded, the ties which united those countries which took part at the Conference were severed. These countries were at a state of war with Italy and, when the hostilities ceased, the orientation of these countries was changed, so that their relations towards Italy ceased to be a decisive element.

(c) If we disregard the Peace Conference and its composition, and direct our attention to the effects of the Peace Treaty, then the new conference should have been attended by many States that were not present at the Peace Conference. For the Peace Treaty is a link, not only between Italy and those States which took part at the Paris Conference in 1946, but also between Italy and those States which later joined the Treaty, because they were thus entitled to make use of the benefits provided by the Peace Treaty with Italy. These States, which were not considered by the international community to be qualified to decide upon the destiny of Italy in 1946, are still less qualified to decide on it now.

This is a proof that the competence of the Paris Peace Conference is imaginary because such a competence never existed. Only the Four Great Powers, after consultations with other States, decided on the text of the Peace Treaty.

(10) Some newspapers infer from the argument under (9) that the right to decide rests not with the States the territorial problem of which is to be solved but with only those Great Powers which were entitled at the Peace Conference to take final decisions. We think that such an opinion is ineffective, because it is impossible to adopt the view that the Great Powers have the right to decide on the destiny and the territories of small nations. We would act against the principles of the Charter if we accepted the view that only the Great Powers have the right to decide. The principle of equal rights of all the States would be violated, and greater privileges would be accorded to the Great Powers. Strictly speaking, the Great Powers enjoyed some privileges given to them by provisional clauses of the Charter, i. e., the clauses which declare international policy is their exclusive responsibility. The text of the Charter is explicit in this respect (Art. 107). The Charter gave some privileges to the Great Powers which took part in the war against the Fascist Powers, but they were valid only till the end of the war. When hostilities ceased, these privileges were denied to the Great Powers, and they too are bound to respect the principles of the Charter. They cannot claim greater authority than that enjoyed by other States. Otherwise the principle of sovereign equality of the States would be violated. The Great Powers did not claim the prerogative to regulate the problem of FTT but asked the Security Council, through the Council of Foreign Ministers, to take upon itself the further care of the Free Territory of Trieste.

THE COMPETENCE OF THE SECURITY COUNCIL

(11) The relations between the States that initialed the Memorandum and the Security Council should be looked at from a functional and not from a formal point of view. The Security Council was in a position to assume the role of guardian of territorial integrity, of the independence of the Free Territory of Trieste, and of the legal status of this territory only because such solution would contribute to peace and to world security, the primary duty of the Security Council, judged by the Charter of the UNO, being to preserve peace and international security in the world. All its other functions are subordinate to this one. The Security Council must, therefore, treat as of minor importance all its other functions, when compared to its duty to preserve the peace.

Starting from this assumption, we feel confident that the Security Council will find itself obliged to acknowledge the Memorandum. It will raise no objection that this Memorandum affects existing territorial arrangement. This is a logical consequence of the fact that the Security Council is a guardian of peace and, through this Memorandum, the interested parties are solving one of those problems which create tense international situations. The solution of this problem helps to achieve that very object which brought the Security Council into existence.

On the other hand, the Security Council and the General Assembly of UNO are the only two organs which can, on behalf of the international community, discuss the problem of Trieste in general, and the problem of the Memorandum in particular. The Security Council will discuss it because this problem falls within its competence. The Council of Foreign Ministers has asked the Security Council to concern itself with this problem and the Security Council has agreed to do so. The General Assembly of UNO will deal with this problem because it may, in accordance with Art. 10 of the Charter, deal with all political questions. However, neither the Security Council nor the General Assembly have the right to prevent this Memorandum from being put into practice. The Security Council cannot take action to prevent the development of a situation which leads to peace, and the Assembly may only make recommendations.

ON THE TRANSFER OF SOVEREIGNTY

(12) There are some doubts as to what is the exact meaning of the words that the civil administration is being transferred to Italy and Yugoslavia. It is clear enough that the civil administration is not the only element of sovereignty, and that is why there is discussion as to whether this means that in the respective territories, sovereign power also is conferred on Yugoslavia and Italy.

The problem is, perhaps, more theoretical than practical. If we start from the theoretical assumption, we shall reach the same conclusion as if we started from the practical assumption. A nation is sovereign in a certain territory if there is a supreme authority which is entitled to pass orders to the citizens of that territory, and if there is a fixed territory. The Governor and the National Assembly were planned to be the supreme authorities in the Free Territory of Trieste. The war occupants, which later became international mandatories, were to exercise this supreme authority till replaced by the said supreme authority. The war occupant is not a sovereign authority in the territory where it exercises its authority. A Mandatory, owing to the very fact that it obeys somebody's orders, is not sovereign in that territory either. However, the authority of Italy and Yugoslavia in the new territory are qualitatively different. The military government definitely ceases to exist. The Agreement even says: when the military government is to cease to exist military occupation has, therefore, come to an end. The Memorandum does not provide for any mandate to be instituted. Each of the two States which is to extend its civil authority to a particular region, is to act on its own behalf, i.e., in a sovereign way. Therefore, the Memorandum does not provide that the sovereignty is to be transferred, but this is understood. To show that this is so we may enumerate three elements which are essential for the existence of a sovereign State. Let us see what these three elements are, and how they function in the territory under discussion.

(A) It is evident that this small territory is being united, as regards civil administration, with the general territory of the respective mother country: the territory therefore, exists.

(B) The people of this territory are subject to the authority which exercises civil administration there. This population is allowed a certain and provisional possibility of changing domicile and of settling under the authority of the other contracting party, that of Yugoslavia or Italy. After this the population is considered to be permanently fixed to that country which exercises civil administration in the respective territory.

(C) The authority which acts in this territory will be either Yugoslav or Italian. It will act alone, on its own behalf and may not be taken to task by anybody as regards its acts, but adheres to its general international obligations or to the obligations mutually accepted as regards this territory. Here also is sovereign authority, because this is authority which is subservient to nobody.

(13) In connexion with this there is the problem of the further existence of the Free Territory of Trieste. Here too we must not rely upon the old contractual formulas, but upon the general legal theory. A political construction or a State disappears when it loses one of the essential elements which condition its existence. As an authority independent of foreign control never became a reality in the Free Territory of Trieste — as the mandatories exercised their authority on behalf of their respective armies and governments — the Free Territory of Trieste never became a state. Now, whenever the mandataries have disappeared, when the territory is joined to the territory of other states, when the people of these territories are subject to the authority of other states, the Free Territory of Trieste, as such, ceases to exist.

There is no doubt that many other legal questions will arise in connexion with the Trieste problem. We shall have to deal with each of these questions. For the time being we shall discuss no more of them, considering the reactions of public opinion only to the foregoing questions. If new ones arise we hope that the »Review of International Affairs« will enable us to deal with them as well.

The basic legal problem is the problem of the willingness of the two neighbouring countries to fix their real frontiers which, irrespective of the sacrifices made, should not disunite them but bind them in international co-operation. The frontiers should be the meeting-place of efforts for good and neighbouring relations. It is necessary to settle various legal questions in order to clear the ground for the development of such good relations. Some of these problems are solved by the Memorandum itself, and others will be solved by direct negotiations, and by bilateral agreements to be concluded by the two neighbouring countries. The time limit by the Memorandum set for negotiations and the conclusion of agreements is incredibly short, judged in terms of previous Italo-Yugoslav relations. Financial problems are to be solved in two months' time; frontier traffic in a similar time. Before October 5th, 1954, such periods would have appeared utopian. Today, however, we hope and believe that these terms are adequate, because co-operation and the agreement are considered to be a realistic necessity. The Agreement was brought about by this realism, and this same realism should be a guarantee of the application of the Agreement.

Aleksandar JELIĆ

The Minority Problem in the Settlement of the Trieste Issue

THE Memorandum which settled the problem of the Free Territory of Trieste, contains in Addendum II a special statute on the protection of the rights of the Yugoslav ethnical group on the territory under Italian civil administration, and of the Italian ethnical group on the territory under Yugoslav civil administration. This Statute is interesting from the legal viewpoint, not only as the first international instrument which regulates protection of the Yugoslav ethnical minority under Italian administration, but also as a legal instrument which regulates better than ever before the protection of the Yugoslav ethnical minority in neighbouring countries. The system of peace treaties worked out after the First World War imposed the obligation of respecting the rights of the ethnical, religious and language minorities, not only on the defeated countries, but also on the newly created states and on some of the allied and associated powers, which emerged from the war enlarged through the incorporation of new areas partly inhabited by minorities. Thus the obligation of respecting the rights of minorities was imposed on Austria, Hungary, Bulgaria, Poland, Czechoslovakia, Yugoslavia and Greece. Although Italy too came out of the war with enlarged areas inhabited with considerable national minorities, she was not subjected to this obligation, under the pretext that Italy, as a country of ancient culture, had given sufficient proof of her religious and national tolerance. The Yugoslav national minnorities in the neighbouring countries were accordingly treated in two ways after the First World War: in Austria, Hungary, Rumania they were protected by the agreed obligations of the territorial states, while the rights of the Yugoslav national minority in Italy were not protected by any international instrument. Instead of agreed international guarantees the Yugoslav national minority received solemn promises from the highest Italian political factors. Thus the then Foreign Minister Sforza declared that it was for Italy »an obligation of honour... that the new citizens (Slovenes and Croats) should feel happy to belong to a great power which, with its incomparable culture, would show a generous care and respect for their local life«. How Italy fulfilled this »obligation of honour« is too well known to call for any elaboration of this question.

Nor were the obligations entered into under treaties by the Axis powers sufficient to protect the national minorities from forcible denationalization, despite international guarantees. The obligations which Austria, for example, accepted under the Peace Treaty of Saint-Germain were too generalized, and left Austria too much freedom in interpreting whether the measure of protection laid down by the treaty had been realized or not. But the worst flaw in the system for the protection of minorities under the treaties signed after the First World War was that this system was aimed at protecting members of the minority as individuals, and ensuring their equalization with the other citizens, rather than protecting the minority as an ethnical whole, and preserving its ethnical character.

The Special Statute attached to the Memorandum of Understanding approaches the solution of the problem of minorities in a different way. First of all the Statute contains certain clauses whose aim is to ensure that members of the Yugoslav and Italian ethnical groups on the territories administered by the Yugoslav and Italian civil administration respectively should enjoy the human rights and basic freedoms, as well as equality in rights and treatment with the other inhabitants of these areas. Thus Item 1 of the Statute obliges Yugoslavia and Italy to administrate these areas in harmony with the principle of the Universal Declaration on Human Rights. This clause ensures the minimum rights to all inhabitants — the minimum laid down in the Universal Declaration on Human Rights. This gives fuller content to the later clauses on the equalization of members of the ethnical minority and the majority of the population in the enjoyment of rights. It prevents the state which exercises civil administration from depriving members of the ethnical minority of certain rights under the pretext that these rights are not even enjoyed by members of the ethnical majority: a definite minimum of rights must be granted to all inhabitants. This minimum contained in the Universal Declaration constitutes in itself a sufficiently high standard of rights.

The second item of the Statute provides for the equalization of members of ethnical minorities, in rights and treatment with the other citizens of the two regions and especially in the expressly enumerated rights. Thus it is expressly laid down that members of the ethnical minority are equalized with the majority in the enjoyment of the following rights:

a) Political and civil rights and other human rights and basic freedoms. Members of the ethnical minority cannot therefore be denied any of the political or civil rights recognized to the other citizens, whether it is a question of the enjoyment of the freedom of meeting, association, participation in local government or anything else.

b) The right of obtaining or performing a public service, function, profession, and of receiving honours.

c) The right of joining public and administrative services which also include the legal services. In respect of the public and administrative services, members of the ethnical minority are not only equalized with the other inhabitants in the sense that every individual who fulfils the same conditions has the same prospects for entering public and administrative services, but the state which takes over the civil administration must enable the ethnical minority to be justly represented in administrative posts, especially in those spheres where the interests of that minority are in question, as in the inspection of schools. This clause may bring about a situation in which members of the minorities will sometimes enjoy a kind of priority in the assigning of definite public and administrative posts.

d) equal treatment in the activities or professions in the sphere of agriculture, commerce, industry etc, with certain precisely defined facilities in the acquiring of prescribed qualifications for the pursuit of these activities.

e) equal rights in social insurance.

As will appear from the above, certain rights laid down in favour of individuals who are members of ethnical minorities, constitute at the same time the rights of the ethnical group itself. This is the case for instance, with the above-mentioned right of the ethnical group to be adequately represented in certain administrative posts. This does not only mean that members of that ethnical group will be entitled to some kind of reservation of a certain number of posts, but it also means that they shall have men of their own language, of their nationality, in certain posts which are important for them, such as in the inspection of schools. This group of individual rights which also constitutes the rights of the ethnical group as a whole, embraces the right of members of the minority to the use of their own language in personal and official relations with the administrative and legal authorities. In order to ensure the enjoyment of this right, the Statute lays down precisely certain duties of the authorities in this connection obliging them to provide as a minimum a translation into the minority language of the oral or written reply to the person who applied in the language of the minority. Public documents and court judgments affecting members of the ethnical minority, must be accompanied by a translation in the language of the minority. The same applies to official statements, proclamations and publications. The Statute also ensures bi-lingual signs on public institutions and names of places and streets in all electoral units of the Trieste municipality and other municipalities under Yugoslav or Italian civil administration in which the ethnical minority constitutes at least one fourth of the population.

But the most important, and most interesting from the legal point of view, are those provisions of the Statute whose aim is to ensure the rights of the ethnical minorities as a whole. The Statute first of all lays it down as a general

rule which is to serve as a guide for the interpretation of all the other clauses, that the ethnical character and cultural development of the ethnical minority must be protected. This rule is all-important, as its very omission from the system of the protection of minorities worked out after the First World War provided an opportunity for unhindered denationalization of minorities, despite international guarantees. The aim of the Statute is, therefore, not only to ensure the equalization of members of the minority with the rest of the population, but also to preserve the ethnical character of the minority group as a whole, and even to protect its free cultural development. In order to ensure the economic basis necessary for the preservation of the ethnical character and cultural development, the Statute provides for the ensurance and economic development of the ethnical minority by a just distribution of the disposable financial means without discrimination. This clause should prevent a situation in which the ethnical minority might be deprived of its economic freedom, as used to happen in the past, and placed in a position of economic dependence, resulting in the weakening of its efforts to preserve its ethnical character.

It may be concluded from Item 7 of the Statute that this document goes even further, and tends not only to preserve the ethnical character of the minority as a group, but also to protect the ethnical structure of the administrative units against violent changes. This clause prohibits changes in the frontiers of administrative units whose aim might be to threaten the ethnical constitution of these units. This is logical if one bears in mind that individual rights depend on the ethnical structure of administrative units, for example the right to bi-lingual signs and inscriptions on institutions etc, which is conditioned by the provision that the ethnical minority should constitute at least one fourth of the population in the administrative unit. This clause should also prevent any attempt to make an ethnical minority constitute one fourth of the population in individual administrative units by a re-organization of administrative units.

The exchange of letters on cultural institutions should also be mentioned when dealing with the clauses whose aim is the recognition and preservation of the special character of the minority group as a whole. These letters determine the use of certain existing cultural institutes and other premises which are to be built for meeting the needs of the Slovene minority in the area which is to come under Italian civil administration. It constitutes, at the same time, a recognition of the efforts and sacrifices of the Slovene minority in the preservation of its ethnical character.

The Statute expressly enumerates some of the rights which constitute a preliminary condition for the preservation of ethnical character and cultural development. Among these are the right to publications in the mother language, the right to educational, cultural, social and sports organizations, and especially the right to tuition in the mother language. The clause about this last right has been formulated in detail and sufficiently precisely to spare the Slovene minority the many difficulties and vexations which it encountered, for instance in Austria when it tried to realize its right to bilingual schools. It is of special practical significance that the Statute contains a precise list of all minority schools, on both territories, which are to be maintained. It is also important that tuition in the mother language begins with the kindergarten, which is intended to prevent attempts at denationalization in early childhood, when this could be most effectively carried out. Without trying to enumerate all the guarantees which the Statute provides in connection with tuition in the mother language, we should mention, as the most important, the obligation of the territorial state to ensure equal treatment for minority schools in meeting their material and personal requirements, as well as the explicit principle that tuition in the minority schools should be in the hands of teachers whose mother language is the same as that of their pupils.

As regards the Italian ethnical group in the area under the Yugoslav civil administration, it will enjoy all the rights laid down by the Statute, on the basis of internal Yugoslav regulations which recognize all the Statute rights, in one or another form, to all national minorities in Yugoslavia. For us, it is of special interest to see what, on the basis of the Statute the position of the Yugoslav national minority under Italian civil administration will be, in comparison with the Yugoslav national minorities in other neighbouring countries, in comparison with the Yugoslav minority in Italy, as well as in comparison with the other national minorities in Italy.

The Carinthian Slovenes in Austria today have not a single international instrument on which to rely successfully in the preservation of their rights. The system of minority protection worked out after the First World War lost its validity after the Second World War. The Austrian decree of 1945 on bi-lingual schools, which is an object of constant attacks by chauvinist elements, today constitutes the only instrument of minority protection to which the Carinthian Slovenes can refer with any hope of success, and even this instrument gives them fewer rights than the Statute ensures. The situation of the Yugoslav minority in Hungary and Rumania is incomparably more tragic. The position of the Yugoslav minority in Italy (Venetian Slovenia, the Canal Valley) depends on Italian internal regulations. It may be said that the Yugoslav minority in Trieste, in relation to other Yugoslav minorities in the neighbouring countries, has the most efficacious instrument for the defence of its rights.

If we compare the position of the Yugoslav minority, on the basis of the Statute, with the position of other national minorities in Italy (the French national minority in Val d'Aosta and the German language minority in South Tyrol), we shall see that the position of these minority groups has been solved on quite different lines, through local autonomies. This was possible because each of these minority groups constitutes a majority in their administrative units, so that they were able to ensure their rights by their influence on the local autonomy. The Yugoslav minority in Trieste is a minority even in the restricted area which is the subject of agreement, so that introduction of local autonomy would not be a sufficient guarantee for it, as it could not exercise a sufficiently strong influence on that local autonomy. That is why a Statute which would precisely and unambiguously formulate the rights of the national minorities appeared as the most efficacious instrument for the protection of Yugoslav minority rights in Trieste.

It should not be assumed that the Statute constitutes an absolute optimum of minority protection. It has its shortcomings, but it nonetheless provides the Yugoslav minority in Trieste with a solid basis in further efforts for the preservation of its national character. It will be particularly effective for the Yugoslav national minority, if the latter stimulates the interest of the Italian progressive forces in its loyal implementation, by entering into close collaboration with them.

In view of the new relations between Italy and Yugoslavia it may be rightly hoped that Italy will apply the regime prescribed by this Statute also to the Yugoslav minority groups in Venetian Slovenia and the Canal Valley. It is to be desired that Yugoslav national minorities in other neighbouring countries should receive the standard of rights which is given by the Statute to the Yugoslav national minority in Trieste, thus making these minorities a link in the relations between the neighbouring countries. The settlement of this question in the other neighbouring countries would considerably contribute to the further consolidation of peace.

The guarantees for the implementation of this Statute are to be found in the perspective offered by the new spirit of relations between Yugoslavia and Italy, and especially in the guarantee provided by the reciprocal character of obligations under the Statute. The other side, too, may be relied on to fulfil loyally its obligations under the Statute, in order to ensure better protection for its own minority.

V. SEDMAK

Survey of Progress

THE Agreement on Trieste was received with a sense of relief, not only on both sides of the Adriatic, but throughout Europe as well. This document finally concluded a long period of post-war disputes and conflicts, which impeded the establishment of peace-loving international cooperation in that part of the world. Now we are looking to the future, towards the strengthening of mutual relations between two neighbouring countries, which has hitherto been obstructed by the unsolved problem of the Free Territory of Trieste. And if we look back at the path behind us marked by misunderstandings and friction we do so for two reasons. First, to recall the causes underlying these disagreements, which will potentially continue in the future, thus requiring unflagging vigilance lest they should again exert a dangerous influence, and second, to examine the elements which enabled a compromise to be reached, and to see why it was not possible to devise any better solution in the present circumstances.

THE LIBERATION OF TRIESTE AND THE »MAY CRISIS«

The Trieste dispute threatened on two occasions to lead to armed conflict: only a year ago, after the Anglo—American decision of October 8, and immediately after the war, eight years earlier.

The liberation of Trieste and the entire Julian March by the Yugoslav Army and Partisan units surprised those international circles who refused to believe in the force of the People's Liberation Movement and the Yugoslav Army. The allied units which »should have liberated Trieste« entered the city two days later, on May 2 (which the Allied Mediterranean Command denied in its communiqué, although General Freyberg the Commander of the New Zealand Division which headed the entry of the allied units into the Trieste sector, confessed that Trieste was liberated by Yugoslav forces). This meant that the previous Anglo-American plans to occupy the Julian March were frustrated. A tense situation ensued, which grew steadily worse: the Anglo-American forces gradually entered the Trieste and Gorizia areas already liberated and occupied by the allied Yugoslav Army: the allied representatives accused Yugoslavia of attempting to present the world with a fait accompli and forcibly annex territories which it claimed (forgetting how Italy was generously permitted to occupy the disputed areas of the Julian March and Dalmatia after World War I): the Italian Government implored the Allied High Command to occupy the entire territory up to the Rapallo frontier, and even to permit Italian troups to enter that territory: The Yugoslav government demanded the recognition of her right, as in the case of the other allied armies, to maintain her forces on the territories liberated by her own efforts. On May 19, Fieldmarshal Alexander published his threatening statement and ultimatum, which was followed by a large scale crossing of allied troups over the Soča river. Yugoslavia was faced with a serious dilemma. In vain she waited for the reply of the Soviet Union, which did not make the slightest move in favour of Yugoslavia. In a speech held in Ljubljana on May 27, President Tito stated that Yugoslavia would not settle other people's accounts and did not wish to be involved in the policy of spheres of interest. In fact the interests of the country had already been sacrificed to the policy of spheres of interest, Yugoslavia being abandoned to her own resources in this difficult situation.

The results of the negotiations held in Devin at the end of May between General Morgan and Yugoslav Army representatives, and later in Belgrade between representatives of the Yugoslav, British and American Governments, were published on June 9. The Belgrade Agreement provided for the so-called »Morgan Line«, by which the entire Julian March was divided into an Anglo-American and Yugoslav occupation zone. Two days later the Yugoslav forces withdrew to the east of the line, leaving liberated Trieste and Goriza.

If we analyse the reasons which forced the Yugoslav army to withdraw from the areas it had liberated, we shall see that Yugoslavia could not assume responsibility for provoking armed conflict on this sector. Apart from this, the Great Powers had already concluded their bargain, thus leaving Yugoslavia powerless at a time when international recognition of our country as an ally was not yet complete.

The Belgrade agreement actually sealed the fate of Trieste and Goriza. Speaking from a realistic point of view, at that time it was already obvious that one could hardly expect the Peace Conference to grant Yugoslavia those territories which the Yugoslav Army was forced to abandon under armed pressure. Thus the Morgan Line prejudiced the demarcation of the future Italo-Yugoslav frontier, (with the exception of the Soča Valley and Pula). One part of this Line actually became the basis of the London Agreement which was signed nine years later.

THE PEACE TREATY: A SOLUTION WHICH WAS NEVER IMPLEMENTED IN PRACTICE

The preparations for the Peace Conference confirmed the fact that the interests of Yugoslavia had been heavily jeopardized in advance. In March 1946 Julian March was visited by an expert commission of the four Great Powers. The report submitted by this commission contained a number of correct conclusions, although the frontier drawn by the experts was both contrary to their findings and to the recommendation of the Council of Foreign Ministers that the new boundary should be drawn in such a way as to permit the maximum reduction of national minorities on each side. One of the lines proposed, the so-called »French Line« (which was the result of artificial combinations and inaccurate computations of population based on the principle of »ethnical equilibrium«) was predestined to become the Yugoslav State frontier: it was later accepted as a »compromise solution« by all four Great Powers. This compromise on the acceptance of the French Line and the creation of the FTT took place after prolonged and violent discussions at closed nightly sessions of the four Foreign Ministers. It is not known exactly what happened and what was said at those sessions, but the result is known: Molotov, who had until then backed the Yugoslav demands, consented to the proposals of the Western Powers, while the latter agreed to fix the amount of Italian reparations to the Soviet Union at a hundred million dollars. For the second time Yugoslavia was forced to acquiesce in the bargaining of the Great Powers, to the detriment of her own interests. Nothing remained but to place her signature on the unjust Peace Treaty, while declaring that »by signing this treaty the peoples of Yugoslavia do not renounce those territories which belong to them ethnically«.

According to the Peace Treaty, Trieste was to become a neutral and demilitarized territory, under the control of the Security Council. This territory, however, the result of a compromise between the Great Powers, remained a mere object of chaffering among them. A governor of the FTT was never appointed. The Western candidates were consistently rejected by the Soviet Union, and vice-versa. Later on, for the purpose of thwarting any eventual direct agreement between Italy and Yugoslavia, the Soviet Union proposed a former Western candidate, the Swiss, Herr Fluckinger, as governor (it is only known of this candidate that he is a colonel and that he turned down the offer of the eventual governorship of Trieste). Thus the Great Powers did not show the slightest inclination to carry out their project in practice. It was more important for them to promise the FTT to Italy again (less than half a year after the Peace Treaty came in force); while such a provisional state of affairs, in which she could play off the question of Trieste against the Austrian and other problems, suited the Soviet Union perfectly.

THE TRIPARTITE DECLARATION AND THE POLICY OF UNILATERAL DECISIONS

In this situation, when both the will and the opportunity were lacking for the realisation of the provisions of the Peace Treaty regarding the FTT, the only remaining practical policy was to let Italy and Yugoslavia

reach a negotiated settlement of the problem between themselves. This view was also advocated by Yugoslavia. Considerable time elapsed, however, before it was generally realised that this was the only way to reach a settlement of the problem.

On March 20, 1948, the three Western powers published the Tripartite Declaration, in which they proposed the »restitution« of the entire FTT to Italy, according to the proposal of the Soviet Union and Italy (Yugoslavia was not mentioned at all). This declaration always remained a pre-election promise, but nevertheless left its mark on the entire five-year period of fruitless endeavours to solve the Trieste problem in a unilateral manner. The existence of this Declaration offerred political and moral support to Italian maximum claims, which the Western Powers later found difficult to cope with, when they began sponsoring the conclusion of a direct Italo-Yugoslav agreement.

WHY DIRECT TALKS IN 1951—1952 FAILED

The unofficial talks between Yugoslav and Italian representatives which came as an interlude in this unhappy situation were not even destined to develop into official negotiations. The first »soundings« and attempts at an exchange of views took place in Rome in 1951. The substance of these confidential talks was published by the late Count Sforza in his memoirs (although not quite accurately and completely). The Yugoslav representatives at these talks tried to examine the possibilities for the achievement of a compromise, mainly on the basis of the existing situation, i. e., division into two zones. These talks coincided with the launching of the claim for a so-called »ethnical line« by the Italians, which demanded the annexation by Italy of the coastal zone of the entire FTT (i. e. in both zones) while Yugoslavia would receive only a few villages. The attitudes were too widely divergent to offer a basis for compromise, and it was with this conclusion that the talks were broken off.

Half a year later these talks were renewed, this time between the Yugoslav delegate to the UN, Dr Aleš Bebler, and the Italian observer in the UN, Ambassador Guidotti. On this occasion also, the talks were discontinued without reaching any concrete results, as the Italians reiterated their demand that an ethnical line be drawn (in other words the annexation of almost the entire FTT) while Yugoslavia proposed two new alternative solutions: the granting of a sea outlet in the Trieste Bay in the Skedanj and Zavlje area which would enable Yugoslavia to make certain territorial concessions to Italy in Zone B, or the establishment of a joint Italo—Yugoslav administration (condominium) over the entire FTT. Both proposals were rejected.

The failure of the attempted direct Italo—Yugoslav talks was inevitable in view of the circumstances that prevailed, namely the existence of the Tripartite Declaration and the then policy of the Western Powers, which gave Italy the following »reserve« possibility during the entire talks: if we fail to agree we can always assume power in Zone A at least, with the assistance of the Western Powers, while waiting for a more favourable situation where the rest of the FTT is concerned. It was in this spirit that Italy accepted the decisions of the London conference, which somewhat later gave her control over the greater part of the administration in Zone A.

FROM THE OCTOBER CRISIS TO THE PRESENT AGREEMENT

The decision of the American and British Governments of October 8 represented in a certain sense the climax of the policy of a unilateral solution of the Trieste problem which was pursued until then. Under the conditions that prevailed it was necessary to aggravate this problem to the maximum degree and thus render its solution imperative. Yugoslavia gave the initiative for new talks, and although these began after much hesitation and delay, they nevertheless achieved their aim step by step.

In the light of the previous development of the Trieste problem and in view of the conditions which enabled a settlement to be reached at last, several important facts should be borne in mind, in order to appraise the full significance of this Agreement:

1) The two countries directly interested essentially accepted the existing situation (this refers to the territorial settlement) which was imposed by the situation that prevailed.

2) The impossibility to maintain the provisional state of affairs indefinitely, as this would inevitably lead to further conflicts.

3) The application of the principle of direct agreement between the countries immediately concerned, and the necessity of promoting Yugoslav—Italian cooperation for the purpose of safeguarding any solution whatever.

4) The realisation that no solution of the Trieste problem is possible without the recognition of the Yugoslav interests, and the abandonment of the policy of unilateral support (statement by the Western Powers).

5) The Trieste problem is no longer represented in Italy as a fundamental issue of the home and foreign policy (this at least applies to the attitude of the leading political forces in Italy) which had so far fomented irredentism to the detriment of relations with Yugoslavia.

All these facts undoubtedly confirm that the agreement on the FTT was reached thanks to certain vital positive changes as compared to previous experience of the Trieste problem, thus giving rise to justified hopes that Agreement on Trieste will really open favourable prospects for the future.

A Survey of the Trieste Memorandum

»The Memorandum of understanding between the Governments of Italy, the United Kingdom, USA and Yugoslavia on the FTT« which was initialed on October 5, 1954 in London stipulates the abolishment of the FTT Military Administration, the establishment of a new frontier between the two zones, of which Zone »B« (territorially enlarged) will be under Yugoslav administration and Zone »A« under the administration of the Italian civil authorities, as well as the equalisation of the Yugoslav and Italian population in their fundamental rights.

The two countries directly interested, Yugoslavia and Italy, and the two UN mandatories, the USA and Great Britain (our country was the third mandatory) decided that a new frontier line between the two zones of the FTT be drawn, thus expanding Zone »B« by eleven and a half square kilometers and about three thousand inhabitants, and that the Military Administration over both territories, which was established in accordance with the Peace Treaty with Italy, should cease to function immediately. Work on delimination must be completed in three months at latest.

The Memorandum also declares: the obligation of the Italian Government to maintain the Free Port of Trieste in accordance with the provisions of the Peace Treaty: a provision which ensures the inhabitants of the FTT against all legal or administrative persecution or discrimination because of their former activities in connexion with the Trieste problem: the readiness of the Yugoslav and Italian Governments to regulate frontier traffic and enable the free and unhindered return of inhabitants to their birthplaces in areas which will now be handed over to Yugoslav or Italian civil administration as well as the transfer of the property of those persons who do not wish to return.

The provisions of the Special Statute annexed to the Memorandum are also of great importance. In accordance with the principles of the UN Declaration of Human Rights, and on a reciprocal basis, the Statute provides for the equal rights of our compatriots with those enjoyed by the Italians in the former Zone »A« of the FTT.

An official exchange of letters on cultural institutes and consular representations between Yugoslavia and Italy has likewise been effected.

OPINIONS ON ACTUAL PROBLEMS

Vladimir SIMIĆ
Vice-President of the Federal People's Assembly

First Congress of Yugoslav Jurists

THE need for a Jurists' Congress (which was held in Belgrade from October 3—6, 1954) was felt particularly after the introduction of the new economic system and before an approach is to be made towards the large scale formation of local communities as the basic units of the socio-economic and political system of our country. This is understandable as the economic system, and its material, economic, and social basis, represents factors which influence the creation of a coordinated and sufficiently developed legal system, just as the level of political development of a country influences the implementation of the principle of legality in general. The organisers of the Congress considered that it was high time, under our specific conditions, for jurists to embark upon this kind of activity, to begin sifting ideas and determining views on a series of problems whose solution is of particular interest to jurists. This by no means implies the classification or isolation of these problems into a group with a purely legal aspect, thus excluding other social activities and influences from the interest of jurists, but only proves that in the solution of legal problems ensuing from our social development, as well as the elaboration of the general principles of our new legal system, which correspond to the ideological essence of socialism in development, both those jurists engaged in the study of legal theory, and those working in practice, should contribute, by their intellectual efforts rallied at this Congress, to the perfecting and development of socialist democracy as the basic instrument for the promotion of socialist social relations.

Thus these intellectual endeavours were manifested in two ways at the Congress. One was juridical and theoretical, and the other socio-political and educative. Needless to say, the experience acquired by the legal practicians played an invaluable role in this respect.

There can be no legal system which is not based on specific general principles, as it is only thus that the indispensable homogeneity and logicality of its extremely varied legal norms can be ensured. Under conditions marked by the creation of such social relations as are being currently realised in our country, these general principles are no »rational schemes« nor dogmatical postulates, but a manifestation of specific historical facts deriving from revolutionary and creative practice, the work of those social forces which caused them and which are developing them further. In our case these forces are the workers' class and the ideological essence of socialism which the workers' class adopted as a scientific truth. Public ownership of the means of production and social management in all fields of human activity are such general principles in our reality. But in order to enable these general principles to become the factor which will ensure the homogeneity and harmony of legal norms in the legal system which is being built on such foundations, it is not only necessary that they should correspond to social, practice, and reflect the extant possibilities and actual relations, but that they should be understood and as such adopted by the members of the society, i. e., the citizens themselves, as it is their rights and interest which are actually and solely involved.

The essence of the idea of socialism is revolutionary both in its postulates and objectives, and it inevitably brings far-reaching changes in society, economy and the State, while imbued by genuinely democratic principles and humanism, for its point of departure is Man as a real being, and his fundamental needs and interests. It is consequently clear that the adoption of a social and political system which derives from such an ideology, and with such aims and objectives, is a vital precondition for the application of democratic principles in such a social development. This clearly proves the thesis that the ideas of socialism and democracy are indissoluble. Therefore the consciousness of that substance and of the new relations is a vital prerequisite for the functioning of the law, the implementation of legal provisions, and the new legal system in general. The conscious adoption of such an ideology and the extant social and political system is therefore a factor which not only unites and equalises all jurists but also ensures them a position which corresponds to their function in society. In other words, it is marked by an extremely broad scope of legal functions, legal validity, and jurists' activities in the deliberation and determination of the legal system under the regime of socialist democracy. The role of jurists in this wide area is active, the law is not merely limited to the regulation of legal relations in a society currently engaged in the building of socialism, but also aids the stabilisation and orientation of social and material forces and social relations. In every phase of social development based on public ownership of the means of production and social management in various fields of human activity, there arises a whole series of vital legal problems, requiring solution, as well as a number of other major problems in our new legal systems, which should also be examined and resolved by theoretical legislation and practice. It is clear that such activities require, not only intellectual effort, but also the moral and political unity of the cadres engaged in the fulfilment of these tasks and objectives. It would otherwise be hard to imagine the legal theoretical and socio-political role of the law and the jurists in the creation of the new social relations, and still less the inevitable application of the principle of socialist democracy in such a development.

The first Jurists' Congress coincided with the concerted endeavours that are currently being made towards the promotion and perfecting of socialist democracy, the implementation and further extension of the new economic system as well as the work on the creation of local communities as the basic units of the socio-economic and social system of our country. This was also obvious in the agenda of the Congress. Thus the debate included problems of both a legal and social character, sometimes even in the broadest sense of the word. Consequently, as ensues clearly from the reports submitted, the scope and possible objectives of this Congress were clearly defined. The determination of certain concepts, legal formulations and definitions could only be partial and expected in exceptional cases, while the greatest stress during the extensive discussions in the plenum and all the commissions was laid on fundamental general principles, such as the law and its sociopolitical function, on the role of jurists and their professional and ideological improvement, the principle of legality and the consolidation of the new legal system, the theoretical elaboration of the problem of codification, etc. This does not mean that concrete legal problems were neglected at the Congress. But both the discussions and conclusions reached at the Congress dealt primarily with general principles and the broa-

der concepts of these matters and phenomena, than with the material on the general legal procedure, the basic principles of labour legislation, the working procedure of tribunals, the social control of their work, the consideration of some probems of the judiciary system, and, finally, with the system of the general preventive measures and the political and social work of jurists when the problem of economic crime was examined. This was also the case when public ownership was discussed, as well as the codification of the law of property, and especially civil law, the degree of independence of economic organisations under a regime of planned economic development, etc. This is all understandable if it is borne in mind that the primary task of all legal activities in our country is the creation of such a legal system as will be based on a thorough study of our legal theory. This is, finally, the reason why the Congress also dealt with the problem of instruction and scientific work in the Law Faculties as well as the pedagogical forms and methods, for the purpose of coordinating their work as closely as possible with the problems of our socialist reality and practice. The fact that legal activities are essentially a political function, due to which the participation in the work of jurists' associations and other professional legal forums is invested with a special significance, was never ignored or denied in the endeavours to achieve agreement on the manifold and complex problems of our legal system, where considerable headway has been made.

The working procedure was another characteristic feature of the First Jurists' Congress. A jurist's certificate was sufficient to insure full participation in the Congress. There were no restrictions or conditions, and every participant was free to decide on the form, manner and extent of his participation in the work of the Congress. This resulted in a large number of reports submitted in advance on the subjects on the agenda, as well as an extremely lively discussion with a large number of participants in all the commissions. Such a broad democratic operational basis, which is, as far as we know, seldom encountered elsewhere, had a very favourable effect on the work of the Congress, and what is still more important, unequivocally proved the moral and political unity which prevails among the vast majority of jurists, as well as the high level of their professional and ideological education.

However, the general assessment of the First Jurists' Congress was given by the Congress itself in its resolution on the first item on the agenda which ran: »The Role of Law and Jurists in the Present Social System.« The third part of this resolution with which we conclude this article, included the following passage:

»The First Jurists' Congress has provoked keen and lively interest, not only among the members of the legal profession but also among our entire public. It was distinguished by a high level of discussion and constructive proposals for the development and advancement of our legal system and thus also the strengthening of our socialist democracy. By the free exchange of opinion, the Congress contributed greatly to the coordination of views on certain legal problems.«

The First Jurists' Congress revealed the advantages of such general legal consultations, and the necessity of holding such congresses in the future, as well as the convocation of jurists consultations for the discussion of individual important problems regarding the development of our law and its application.

L. ERVEN

London Conference on Germany

WHEN the French National Assembly took off the agenda the discussion on the agreement concerning the European Defence Community, this event — although expected and, after the failure of M. Mendes-France at the first conference in London — even inevitable, provoked reactions from various interested sides.

In the United States and in the Western European countries, which had already ratified this agreement, the reaction was very unfavourable, not only in its condemnation of this political decision, which was represented as a breach of European solidarity on a vital European question, but also in regard to the French Premier personally, as well as French parliamentarians, and even the parliamentary system of France. This reaction concealed an apprehension lest the whole system of collective defence in Europe should disintegrate, while the whole defensive policy of the United States of America should reorientate itself towards quite different interests.

The event in the French Assembly was joyfully welcomed in Eastern Europe, one of the reasons being the same as prompted its condemnation in Western Europe. Soviet diplomacy had, for that matter, another reason to greet the failure of the European Defence Community, as it could anticipate that the disappearance of EDC from the European scene was to clear the way for more favourable discussions on the Soviet proposal concerning collective European security.

However it was very soon obvious that all these reactions were premature and exaggerated, and that M. Mendes-France was rehabilitating himself, at least in the eyes of his Western allies. At the conference in London, which was held by the interested Great Powers from September 27 till October 3, a new agreed solution was found for the problem which the European Defence Community had tried but completely failed to settle.

This solution is the result of the diplomatic inventiveness of Mr. Eden, who resuscitated a forgotten document — a document which proved suitable for this occasion and combined it with a compromise proposed by M. Mendes-France. The spirit of conciliation and concession shown by Herr Adenauer should not be ignored either. But this solution is also the result of an important British concession in the spirit of the saying that words should be confirmed by deeds. Whereas it formerly recommended that other countries of Western Europe should firmly unite with Germany for the purpose of joint defence, but taking care not to join that union itself, Great Britain now agrees to join it with equal obligations and to defend the new organization with the presence of its troops in Europe as long as the majority of members of the new organization consider this necessary.

The problem of including Western Germany in the European defence system — without endangering the security of West European countries, on which question the European Defence Community broke up — was settled in London in the following manner:

1) — the three occupying powers agreed to abolish the occupation regime in Western Germany and restore to that country the rights belonging to all free and democratic nations.

This is the creation of the first and basic condition for establishing useful international cooperation, primarily in the sphere of joint defence.

The occupying powers will legally realize this decision when agreements on the German contribution to joint defence enter into force. But it will be immediately put into practice, as the allied High Commissioners will not exercise those rights of control which are to be restored to the Federal Government.

2) — Germany will again be given the right to establish her own military power and armaments, in a restricted and controlled form with a view to including her in the system of Western defence.

The German military contribution will be restricted to the extent, mode and bounds as previously laid down in the European Defence Community.

Double control, will be exercised over the process of the establishment of German military power and armaments, and over the use of her military forces: first through the instruments of the Brussels treaty and second through the Atlantic Pact bodies.

In order to deprive this control of any discriminatory character, Western Germany will be invited to join the Atlantic Pact and the Brussels treaty, in which her posi-

tion will be equalized with the other members of continental Europe, except in those cases where Germany herself agrees of her own free will to certain restrictions.

3) — The Brussels treaty community will be widened by the admission of Western Germany and Italy. Its organization will be changed and adapted to new tasks. It will also change its name which, as proposed, will henceforth be »The West-European Alliance«.

Its organ, the Consultative Council, which was not invested with the right of taking decisions, but was the representative, advisory and technical body of the allied governments, will become the deciding organ, especially on the question of regulating military contribution by member-states. When dealing with individual questions, this organ will decide on the lines of the council system, while in other, more important questions, it will be able to take decisions only by a unanimous vote.

The Brussels Treaty Community will decide on the maximum contribution of member-states to the Atlantic Pact organization and on the competence and arming of police and other internal forces.

The detailed control of armaments and production of definite types of arms will be effected by the Brussels community through an agency for the control of armaments.

4) — Western Germany will be admitted to the Atlantic Pact with obligations and rights which she accepted under the Brussels Treaty.

In view of the new function of the Brussels Treaty as a community with special tasks included in the Atlantic Pact, steps will be taken for making the necessary changes in the structure of the Atlantic Pact.

All the forces of all the Atlantic Pact members stationed on the European Continent will be placed under the European command of the Atlantic Pact, except those which NATO itself decides should remain under national command.

These forces will be integrated. All auxiliary services will be coordinated.

5) — This system of Western defence, organized under the Brussels agreement and integrated in the Atlantic Pact, is guaranteed by separate obligations given by the United States of America, the United Kingdom, Western Germany and Canada.

The United States of America will renew the declaration which it gave to the European Defence Community, in regard to aid and obligations to maintain the necessary troops in Europe and in Germany as long as the North—Atlantic area remains threatened.

The United Kingdom will accept the obligation to keep on the Continent definite forces which are detailed to the European command of the North Atlantic Treaty Organization, and not to withdraw them against the wish of the majority of the Brussels Treaty members.

Western Germany will undertake not to resort to force for the purpose of bringing about a re-unification of Germany, and not to produce on its territory atomic and chemical, weapons, weapons for germ warfare, long-distance, directed and tele-directed missiles, warships of definite categories and definite types of strategic bombers.

Canada too made a declaration of loyalty to the Atlantic Pact confirming the links of that Pact with the Brussels Agreement.

This nine-power agreement has been supplemented by certain jointly adopted principles on the problem of Germany in general, which they define as follows:

a) they consider the Government of Western Germany as the only legitimate representative of the German people in international relations. (According to a remark of M. Mendes-France during the Assembly debate, the idea of this declaration would be that the nine Governments do not look upon the East German Government as a legitimate representative, while they consider the West German Government as the legitimate representative of both Germanys).

b) the aim of allied policy is to achieve a peace treaty for the whole of Germany, freely concluded between Germany and her former enemies.

Germany's final frontiers are to be determined after the conclusion of that treaty.

c) They wish for the peaceful realization of a free and united Germany.

d) They consider that the security of Berlin and the maintenance of the position of the three powers in Berlin is a condition for peace in the world. They would consider an attack on Berlin as an attack on all of them.

e) Any resort to force which would threaten the integrity and unity of the Atlantic Pact they would consider a threat to the peace and security of each of them. Should such an action be taken, the responsible government will lose all the support and protection guaranteed under the Atlantic Pact.

The principles of this agreement will be elaborated in detailed documents. Only then will it be possible to make a full analysis of the new defensive organization in Europe, which is the object of this agreement. It may be said for the present that this agreement constitutes a revised and moderated conception of the European Defence Community, as a result of acute necessity in the relations of the Western powers.

It should certainly be emphasized that the London solution, despite all the compliments paid to it at first, was received in some of the interested quarters with relief, in others with resignation, but nowhere with enthusiasm, and that it turned out while it was being examined and accepted, that it has many opponents both in the Parliaments of individual member-states and among their public. In the French Parliament, many deputies abstained from voting. All these abstentions may be considered potential votes against this solution, when the matter is brought up for final examination. In Western Germany the new agreement has a resolute opponent in the Social-Democratic opposition. In the British Labour Party strong opposition was manifested against the arming of Germany. The United States received the agreement of its European partners rather wryly, as it has not much liking for this solution.

If any inter-state arrangement of mutual relations were involved, then such a cold reception, which nonetheless ensured a procedural majority, would not be of great significance. But a system of collective security, involving the basic interests of joint defence, which must reckon with a wider solidarity of partners and a more extensive support of public opinion, calls for greater national support than is offered by the strict majorities according to parliamentary regulations. Such support, which lends real and solid political value to the important acts of international policy, does not seem to be enjoyed by the conclusions of the London Conference. This only shows how difficult and complicated is the problem of re-admitting Germany to the European community, and how necessary it is to approach it from a more elevated position which would offer wider prospects, and use broader methods than diplomatic combinations can provide.

It might be said that in the whole of this search for a new solution of the German contribution to collective defence, more attention was devoted to the legal aspect of the problem than to the political, that is, the essence of the political problem was considered through the legal system, and solved by legal methods. A strong bias in favour of legal mechanism and belief in its efficacy was especially evident among the French, in their mutual polemics. Great efforts were exerted to fetter the military and other potentials of Germany by means of legal clauses, imposing controlled development through the technique of legal mechanism. Hence so many discussions and so much mistrust, as the legal forms were subjected to various interpretations.

There is no doubt that law is an instrument of policy, but it is equally indubitable that this machinery is really efficacious only when it is the expression of objective material relations, and when its strength rests on its harmony with objective social forces, especially in international relations — when it is in keeping with the conditions and demands of international reality. The method of ordering and prohibiting is not suitable or effective in international relations.

Hence the system, formulated in London, if put into effect, will depend on the solidarity of the members of the new community rather than on the legal practice of control and restriction, that is to say it will depend on new relations of cooperation and confidence which should develop within these bounds. It seems to us that much more effort has been invested in the discovery of legal forms, based on mutual mistrust, than in fostering a spirit of cooperation and confidence.

The new London solution is still only a new Western solution — a solution for Western Germany. It is still a solution in the framework of »Little Europe«. Perhaps concrete international conditions do not yet permit a different and wider solution, and perhaps all the factors are not yet ready for this. But the idea of international solidarity and European cooperation has surpassed and gone beyond these Little—European bounds. That is why the problem of European cooperation still remains open — even after the London Conference.

A. BAKIĆ

Good Prospects in the United Nations

THE end of the debate at the Ninth General Assembly of UNO showed that optimistic forecasts were mostly justified. Not only were clashes absent this time, but the problems were tackled in the proper way. This was reflected not only in the changed tone of the speeches of the majority of the delegates, which now contained a peaceable strain, but in examination of the major issues, upon which depends the further development of the situation.

There is no doubt that this relatively favourable beginning of the General Assembly was the result of preceding events and actions within and outside UNO, and the improvement of the general atmosphere, but it appeared in the debates — this is of special importance — that some powers did not dare to take responsibility for eventual tension. Delegates' speeches were interwoven with almost the same thoughts although differently formulated: co-existance of different systems is necessary and possible, war does not settle issues, constructive international cooperation is necessary, and so on. Most of the usual discussions were dropped, but some bitterness and inflexibility were felt, and it was acknowledged that issues should be settled, not by words but by deeds. The speeches of the delegates of great powers were awaited with special interest. It is difficult to give a definite opinion about them, for they all suggested some initiative, the effects of which will only be seen later. And yet Mr. Dulles's speech, if viewed in the lights of the general debate, contained hardly anything that might give rise to enthusiasm, excepting a proposal for the peaceful international use of atomic energy and the relative moderation of his speech. When Mr. Dulles spoke of SEATO, the Indians, Burmese and Indonesians did not approve of his remarks; allusions to EDC made the French temporally angry; the justification of America's attitude on the question of Guatemala was accepted with suspicion; the anti-colonial and underdeveloped countries were probably astonished by the fact that the colonial and economic problems were not even touched on.

The answer of the Soviets, on the contrary, was edged in form, but its essential spirit of compromise could not be denied. The Soviets made some considerable concessions, in the first place in the crucial question of disarmament, and UNO was given greater significance in the Soviet plans. The identity of interest with England and France was so emphasized, that very likely practical results will be achieved and perhaps even a situation similar to that at the Geneva Conference, may be created.

The reaction to the speech of India's delegate was unfavourable, for he criticized severely US policy. He condemned the Manila Treaty, and the relations of the West with People's Republic of China; he supported the Soviet proposal for disarmament, etc. India's attitude at the General Assembly was disapproved of by US official circles.

The Yugoslav delegate stressed in his speech that peaceful coexistence would not be sufficient in itself if not accompanied by active and constructive cooperation. The regional pacts were also appraised, primarily according to their conformity with the spirit and aims of the United Nations Charter, and their stimulus to international cooperation.

The beginning of the Assembly was not very fortunate for the USA. Although she won her battle relatively easily and quickly in respect of the representation of China in UNO, the settlement of this being postponed, yet it was soon proved that her position was unstable and defensive. Van Kleffens of the Netherlands was elected President of the Assembly, although he had not the support of the USA. And, what is most important, the Soviet Union took the initiative, and the USA was not in a position, partly owing to the elections, to do anything to regain it.

Two problems were prominent: disarmament and the peaceful use of atomic energy. A new Soviet move was expected in respect of disarmament. The Soviet Union had been for years stipulating that any disarmament action must include the prohibition of atomic weapons, and on these grounds they withstood the British-French plan anticipating gradual disarmament in phases. The USSR delegates have now completely changed their former attitude, and as the base for further talks they accepted this British-French plan. In the Soviet proposal of the resolution the gradual decrease of all kinds of arms, prohibition of the atomic bomb, and establishment of international control of disarmament, were accepted. The UNO probably would like to know what made the Soviet Union take this attitude. Maybe the balance of the production of atomic arms has reached such a point that the Soviet Union believes the maintenance of supremacy in classic arms to be indispensable? Or is there some other reason? It is at present difficult to foresee the scope of consequences produced by this change of Soviet policy, but it is impossible to deny its effect on public opinion and the inevitable series of reactions that must follow. In any case, it is not likely that an agreement will be quickly reached even upon the new basis, but there are possibilities of new contacts which will undoubtedly, produce results in time.

The American point of using atomic energy for peaceful purposes has certainly become, with the development of the disarmament policy, a most popular question to which many hopes are attached. The USA chose to put this question before the United Nations, the greatest assembly of nations and this is a positive step. However, neither the USA nor the USSR have yet given any signs of readiness to relax their hold on their monopolies. The USA proposal, therefore, to set up an agency outside UNO, limiting the participation of countries to a few only, does not yet give great hope of success as far as UNO is concerned. But optimistically speaking, it is a step forward.

One may suppose that the General Assembly will continue to work on these lines and that the final results will be favourable. The attitude of the small countries will be best seen in discussion in the Committees. They probably will insist on the settlement of many problems which have been put before UNO, but as far as major issues are concerned, they will probably agree with the majority.

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PARLIAMENTARY LIFE

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From Local Self-Government to Communes

I

ONE of the essential characteristics of all social and political changes which have been going on in Yugoslavia since the Liberation War is the tendency to build and develop local self-government. In former Yugoslavia, especially in the second period of her life (1929—1941) the rigid bureaucratic centralism of the state organization deprived the citizens in localities, towns and higher territorial units (districts and counties) of all real chances, not only to influence the solution of local and municipal questions, but also to have their own representation elected and controlled by them. However, the Yugoslav peoples had strong links with local self-government. The struggle for real political emancipation was waged, especially in the second half of the nineteenth century not only for the general voting rights but also for local self-government. The more progressive sections of the Yugoslav population, brought up under the leadership of socialists, populists and radical fighters, saw in local self-government the support for their struggle against the all-powerful bureaucracy of the centre, as well as a direct form in which they could exercise a more realistic influence on the state policy, at least in less important and local matters.

At the very beginning of the rising of the Yugoslav people against the invaders, and especially towards the end of 1941 and during 1942, steps were taken for the setting up of National Liberation Committees in localities, municipalities, towns, districts and hence also counties. The active section of the people, consisting in its majority of the working class, peasantry, the middle classes and the intelligentsia, entered the struggle against the invaders, for it had developed into an actual revolution, intended to free the country not only from the enemy and the fascists, but also from the old centralist and bureaucratic system and its political supporters. From their inception, the National Liberation Committees were considered and organized as bodies of local self-government, and as the political basis of the entire new political system of the Federative People's Republic which was being built up. In this connection Edward Kardelj published a characteristic article in the paper »Borba«, published in Užice in October 1941, while the regulations passed in the course of 1942 by the Supreme Staff on the competence, election and organization of the National Liberation Committees are also significant. The tendency to build up local self-government and to make it part of the foundations of the new democratic state was one of the characteristics of the revolutionary changes in Yugoslavia and the force of the liberation movement and National Revolution. It is quite understandable, therefore, why Yugoslavia constituted herself as a state system of people's committees, as a state unification of local self-government, formally legalized under the decisions on the formation and proclamation of the new state, passed at the Second Session of AVNOJ (Anti-Fascist Council of National Liberation of Yugoslavia) in November 1943.

Local self-government, with people's committees as the basic levers and bodies of government in the local units, was and remains one of the essential constructive elements of the state system of the people's government and the changes effected to that end, from the passing of the first Federal Constitution of January 1946 to the Federal Constitutional Law of January 1953 and to date. The characteristic of this period is that the place, essence and political role of local self-government changed, parallel with the general social-economic, political, ideological constitutional and legal changes and transformations which occupied the post-war period of the construction of a new social and political system in Yugoslavia. For a better understanding and survey of the past development of local self-government, and especially of the people's committees, we might divide it into two phases.

The first phase embraces the period from the passing of the first Federal Constitution to 1950—52, that is to the time when the constitutional order began radically to change, through the introduction of workers' management in economy, the beginning of a wide process of decentralization of administration and development of various forms of direct democracy, and the self-governing principle in the sphere of education, science and culture, protection of public health, social welfare and other social services. The Constitution of 1946 confirmed the people's committees as representative bodies of government which are elected and recalled by the citizens in localities, towns and districts and which have the function of the »highest bodies of government« of the local units, within the framework of the rights and duties laid down by the Constitution and the laws. For the ensurance of these rights and the organized participation of the new system of local government, two laws concerning the people's committees were passed (1946 and 1949). The novelty of the conception of local self-government was reflected in two directions. The people's committees were not taken as a special and inferior factor in the state system. They were not, as in some countries, »bodies of local self-government« which stand apart from the »bodies of state authority«. The second trend is reflected in the constitutional premise that the people's committees are the basic and component part of a single system of government. The state system was set as a unification of the people's committees.

The basic guarantee of the principle of self-government of the people's committees in this system of organizational and legal unity of government was reflected first in the fact that the people's committees are freely elected by the population of the local units, on the basis of the general, equal and direct suffrage. The voters may recall individual committee members. As the people's committees emerged as bodies of local self-government from a radical revolution and as they reflected the disposition of the most active and militant citizens, the conception of these local bodies of unified authority as the »highest bodies of authority in their area« was not merely a political idea or a constitutional provision. At this stage the people's committees enjoyed some independence in practice, and their attitude in the settlement of individual questions had to be taken into account, even when the people's committees were basically the executors of tasks set to them by the central state authorities. On the other hand, the people's committees in their own area were not subjected to any control of representatives of the central authority, nor were the

latter in a position to set up their own organisms and institutions in the local units, which would deprive the people's committees of their general competence as the highest bodies of government to which all bodies of local government were subordinated — except the cases foreseen by the law (chiefly in the case of state security and certain technical and administrative services).

But in this phase the people's committees could not strengthen the material basis, scope and administrative competence of their self-government, as no objective conditions existed for this. In this phase the whole new system of government in Yugoslavia was concentrated on the strengthening of its political, economic and organizational foundations. All-round efforts were made to frustrate the efforts of the deposed classes which wanted to regain their political power, and to strengthen the political and moral unity of the working people as supporters of the new system of government. The following important and revolutionary changes were made in the very foundations of the state: nationalization of the basic means of production in industry, transport, banking and trade, land reform, colonization, limitation of individual peasant holdings, wider introduction of peasant work cooperatives. On the lines of these changes, the state apparatus, and consequently the people's committees, took over different and quite new functions — such as control of nationalized economy and a broadly developed interventionism in all spheres of life in the community. Interventionism put special obligations and responsibilities on the people's committees in the sphere of the so-called obligatory buy-up, that is, in the system of administrative interference in the process of production in agriculture and distribution of agricultural products.

Under these conditions, and on the basis of the resulting state capitalism began the process of independence of the new state, a process in which, as Engels pointed out, the state became an independent force. Under these conditions, of course, there was no objective difference between the »local« and »general« interests, as all efforts and interests were identical and common. As political history shows, the creating of the state as an independent factor and the unity of interests inevitably get stronger particularly in the highest executive and administrative bodies of government. Although it did not enjoy favourable conditions for development, although it was partly turned into an executive body of the central state apparatus, local self-government, embodied in the people's committees in Yugoslavia, was not stifled in this period. This was because it was not an artificial creation, but the result of a truly popular democratic revolution which fundamentally created and built the people's committees as the basic cells of government, as forms for the expression of initiative and participation of the masses, if not in full formation, then in any case in the implementation of the new economic and state policy in giving support to the united decisions and measures of that policy. This explains at the same time why the interest in the people's committees did not cease, but persisted both among the public and in the leading political and state forums. The Law on People's Committees of 1949, although passed at the time of the greatest development and strengthening of the central bodies and their functions, ensured a certain »self-governing sphere of activity« in the competence of the people's committees, differentiating this sphere from the »general sphere of activity«, in which the people's committees were only the executors of the decisions and measures of the central bodies of government. The significance of the voters' meetings and other forms of direct and semi-direct democracy of the councils also became greater (especially in the period 1945—1950 — the councils and commissions of citizens) — councils which, as semi-state and semi-social bodies, took over local administrative affairs, replacing commissioners in the sphere of education, culture, protection of public health etc.

In the second phase local self-government acquired new significance and new elements. The decentralization of executive and administrative functions, which began as early as 1950—51, led to a widening of the competence and rights of the people's committees. Management by producers in economy and gradual implementation of the principle of self-government as the basis of the whole political system, led logically to the stressing of the importance of the political, economic and cultural organization of the local communities. Among the instruments for limiting and removal of the bureaucratic and centralist tendencies and forms of the participation of citizens in the execution of definite local tasks, the local self-government was gradually set up as the basis of the political organization of the country. The third law on the people's committees of 1952 and the Constitutional Law of 1953 proclaim two principles which are characteristic of the condition and development of the people's committees at this stage. These principles are: a) self-government of the working people in communal organizations (municipality, town and district) is together with the social possession of the means of production and self-government of producers in economy, the basis of the social and political organization of Yugoslavia; b) the people's committees as the highest representative bodies of the people's self-government in communal organizations are the basic bodies of government, remaining also the highest bodies of government of the municipality, town and district. In keeping with these principles, the Constitution stresses that communal self-government is not only the basic but also the originating form for expressing the principle of self-government of the working people. The Federation and people's republics have definite rights — those laid down by the Constitution. The communal self-government is becoming quite a different form of political and administrative autonomy than was the classical, Anglo-Saxon local self-government. It is no longer conceived as a creation of the law and legal institution imposed from above, by the central parliament. The communal self-government in Yugoslavia is a sociological and political substratum of the whole social and political system, It is a new democratic and political right of the citizens, which is not given them by law, nor can the law deprive them of it. The self-governing of citizens in local communities is not a »natural and inherent right«, that is, a right independent of social relations and political system. It is the right which results from socialist social relations and political organization of the country, which is increasingly based on the principles of socialist democratism. In keeping with this the Federal Constitutional Law offers constitutional guarantees to the principle of self-government of citizens in local communities.

Starting from these premises, the people's committees, especially the people's committees in districts and towns, have taken over all the tasks of direct interest to the economic, communal, cultural and social development of the local community and the laws have ensured them a series of independent sources of income. Besides individual forms of taxation, the people's committees of the district and town have at their disposal one of the most important sources of income in socialist economy, — part of the profit contributed by the economic organizations. For the position and right of the local community the most important is the provision according to which the people's committees of the district and town determine that part of the profit which is to remain with the economic organizations at their free disposal, especially for the purposes of their further economic development. Also characteristic is their right to fix the amount of the pay fund for the economic organizations.

The development and strengthening of local self-government is part and result of the building of socialist democracy in Yugoslavia. This »renascence of self-government« does not issue only from the socialist and democratic principles which imbue the social and political system that is being built in this country. The bases of this renascence are realistic and lie, on the one hand, in the surpassing of state capitalism and bureaucratic centralism and on the other, in the strengthening of the social character of the means of production and management of economy by the workers, as well as in the development of various forms of self-government rights of citizens in the political, cultural and other spheres of the social and state organization. It is an inevitable institution of the new socialist and free social relations. But it is not this alone.

In view of its basic tendencies and elements, local self-government in Yugoslavia has been imagined and set up already in this phase, as a basic cell, the cell of a new social political organization, which begins to differ from the old, traditional classical state.

Socialist democracy is a special form of the state. But it must be a form in which the state begins to change. This change can neither be hastened nor carried out at once. Dependent on economic, political and cultural development, the state must be democratized, merged in the society, it must cede a series of essential functions to the direct organisms and institutions of social administration.

Hence the problem of local self-government does not consist only in the extent of material sources, or the political and administrative rights of the local bodies of government, but also in the formation of social and economic entities in which political organization becomes self-government of the citizens and producers — in which it becomes a communal organization. The expression, »communal«, associating the form of the political organization of labour, producers and free citizens, which the Paris Commune tried to set up, marks a new form of social structure, a social and political system which essentially differs from all, even the most democratic forms of the classical state. This form possesses material and political conditions for withering away, for gradual merging, and socialization of that state.

II

Yugoslavia is still passing through this phase and in a number of areas, all economic, cultural and other conditions have not yet ripened for the realization of all the self-governing rights which belong to the individual people's committees. But the unequal economic and cultural development of the various Yugoslav areas, which is one of the essential features of the previous historical development of this country, and especially of the post-war development of the material productive forces and profound social and cultural changes, realized in the formerly and newly developed areas, provide possibilities for the laying of organizational and legal foundations of more consistent and fuller socialist social communities. Hence current discussions which are being held on the building of communes do not call for new and complete reorganization of the political and state system. They mean that efforts are being made to carry out appropriate administrative-territorial, state-legal and organizational changes in individual, economically, socially and culturally developed areas — changes which will provide for the creation of more realistic and more consistent realization of the principle of the self-government of citizens and producers, thus facilitating the rapid general progress of citizens in those areas and consequently the gradual progress of the whole country.

As is known, today the people's committees in Yugoslavia exist in municipalities and towns, as basic local communities and in the district, as the territorial and political unification of a number of municipalities and smaller towns (while the larger and quite big towns are taken separately from the district). The territorial base of these local communities except the towns and some of the municipalities, is still administrative, i. e. inherited from the previous social organization. It is well-known that every social-economic and political organization has its own territorial-political division, especially in regard to the formation of local communities. It goes without saying that it depends on the level of the material, cultural and general social development whether a social-political system will be capable of creating its own territorial and political division. Likewise, there are certain objective, geographical, natural and other circumstances which influence the concrete form of the individual local entities, so that this form may be retained in the new social organization, that is it may be »inherited«. But, in essence, every stable and mature social system builds and must build its own basis in which the local administration develops and takes shape, especially local self-government. The level of development of the social and political system conditions the objective form of the areas of local communities, making it the natural result of the material and general development of the country. This is especially important in socialism and socialist democracy.

(To end in the next issue)

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BOOKS

Land Reforms in India

(»Land Reforms in India« by H. D Malaviya. Published by the Economic and Political Research Department of the All-India Congress Committee, New Delhi, Jan. 1954.)

THIS book on land reform in India, written by H. D. Malaviya, Secretary of the Economic and Political Research Department of the All-India Congress Committee is worthy of the attention of all those who are interested in the internal problems of one of the largest and politically most significant countries in the world today. This very useful and interesting publication contains a review of all that the Congress governments achieved after the liberation of India towards settling the most difficult problem of that country, which is at the same time, the biggest problem of the whole of Asia: the question of the economic position of the peasant population. Besides this, the book contains a detailed review of the earlier attitude of the Congress on the peasant question during the struggle for independence, as well as a critical survey of the present situation in the villages, and makes certain suggestions for future policy of the Congress in respect of the land question.

The introductory chapters provide a general view of the situation of Indian peasants under British rule. The arrival of the British in India and their economic policy after the conquest resulted in the shattering of the former autarchic, stable, village community, based on natural economy, a community which had remained unchanged during a period of several thousand years, despite political changes in high government circles. The British introduced the landowning system, turning the previous imperial tax-collectors into feudal noblemen, and making this new class the supporters of their power in India. The second important result of British rule was the destruction of home trades and crafts, especially the weaver's trade which formerly flourished and was known for its products throughout the world. The destruction of the crafts contributed to over-population in the villages, as the outflow of the village population was thereby checked; and the subsequent influx in industry was inadequate, as the British rule prevented and restricted the development of Indian industry. The landowning was later complicated by the development of intermediaries between the peasants and landowners, which resulted in an intensified exploitation of the peasants. Besides the burden of this parasitic network, the Indian peasant also staggered under the burden of debts, which grew bigger and bigger. The usurer took all that the landowners and agents failed to export. The number of the landless peasantry and farm labourers was on the increase, and this was the poorest social class in Asia, so that the achievement of independence found the Indian peasant in a state of the utmost poverty and destitution.

In its beginnings, the Indian Congress was almost exclusively a movement of the progressive intelligentsia, and it was only later, especially after the First World War, that the Congress began to draw closer to the peasantry, to understand their situation and gradually to define its land reform principles. Between the two world wars, the process of Congress's approach to the peasants was concluded: the latter accepted Congress as a national organization at the head of the struggle for independence, and took part in the great actions of Congress, under the leadership of Gandhi and Nehru. At the same time, the Congress leadership formulated with increasing clarity its views of the peasant question in India. In many resolutions and statements made by Gandhi, Nehru, Patel and other leaders (exhaustively quoted in the book) it declared itself in favour of the abolition of the landowning system for the principle »the land to those who till it«, for the distribution of land to the landless peasants, for the cooperative system of land cultivation, for the cancellation or drastic reduction of the peasants' debts. The Congress governments from 1937 till 1939 could not achieve much in this direction, as they were fettered by their narrow field of competence, but they at least endeavoured to protect the peasants by means of such provisional measures as were in their power to pass. There were good prospects that after the securing of independence, Congress would take great strides towards the realization of its land reform programme, all the more so as Nehru himself, who devoted the greatest attention to the peasant question, declared several times that independence would not mean a great deal if it did not bring about the social emancipation of the peasants.

The second, larger part of Mr. Malaviya's book is devoted to a detailed examination of all the measures undertaken by the Congress governments of the Indian federal states for the settlement of the land question. The survey embraces the period from the securing of independence (15th August 1947) till today, that is, beginning of 1954, and is corroborated by copious statistical material. This survey (which calls for a detailed study) shows that the process of settling the land question is everywhere under way, but that this progress is very unequal in various states. The Five Year Plan, it is true, set equal tasks to all: the abolition of the feudal landowning system, and the gradual elimination of all intermediaries, reduction of rents paid by the peasants, transference of land property to those who actually till the land, the fixing of the land maximum etc. However, the reader cannot but feel that the implementation of these measures met far greater difficulties and progressed at far less speed than was to be expected after the resolute and clear statements of the Congress leaders on this question. In his »Conclusions«, abandoning the role of an impartial informer and giving vent to his own comments and views, the writer sets forth some of the causes of this course of the land reform, describing the difficulties and dangers of the current situation, and recommending that Congress should pursue a bolder policy in the future.

The general survey shows that various objective difficulties stood in the way of the implementation of the land reform programme, an important one consisting of the fact that the legal forms of peasants' dependence on the landowner were quite different in various Indian states constituting a complicated mosaic, so that in a single state there were often several types of landowners, who existed side by side, and really caused much trouble to the legislators. The writer says further that India did not wish to follow the path taken, for example, by China — meaning a revolutionary settlement of the land problem with the use of violence — but that she wished to pursue the non-violent, peaceful and democratic way, in the spirit of the general Congress policy. He admits that such a method is much slower, but believes that it produces more lasting results. It may be concluded from his writing that various interests within the Congress itself influenced the course of settlement of the land reform (which is understandable in an organization with such a wide basis), some of which, turning to account various legal forms, directly prevented the abolition of the landowning system. Another great obstacle in the realization of land reform was the bureaucratic character of the Indian administrative apparatus which was to put these measures in practice. The writer quotes two very bitter statements, one by Mr. Nehru and the other by R. Prasad, on the bureaucratism and incompetence of that apparatus, and its remoteness from the people. But most important of all is the writer's indication of the difficulties and dangers for India issuing from an incompletely effected land reform. He says that the principle of compensation to landowners has involved the country in huge expenditures which it will have to meet for a long time to come, i.e., until the newly-created sources of state income can cover them. That is why he proposes a reduction of the compensation rates, which are often

too high. He points out further that the land maximum has not yet been fixed in most of the states, where it was only laid down that the landowners would be left as much land as they were able to cultivate. This state of affairs is turned to account by the landowners, who keep the peasants from getting the land, under the pretext that they will till it themselves and keep it as their own property. The landowners also safeguard themselves against the possible fixing of maximum acreage by fictitiously distributing the land among their children, relatives etc. In Congress itself there are groups of men who resist complete liquidation of the large estates and the allotting of land to the landless peasants, with the explanation that this would be detrimental to agriculture while, as the writer suggests, they really represent camouflaged class interests. Discussion is under way in Congress as to whether the newly allotted land should be given for private or for cooperative farming; but this discussion has not yet cristallized into a single view. The writer is of the opinion that at least the central government should take a united stand and act unhesitatingly when such an important action is involved. He thinks that some progress has been made in this direction since the setting up, recently, of an authoritative central body, whose task is to control and help the implementation of the land reform.

The writer also points out that the Indian peasant has not yet seen any major benefits from the land reform, as most of the states have done nothing to reduce the rent, which the peasants formerly paid to the landowners, and are now paying to the state. The rise in prices of agricultural products which has occurred during the last few years, has eased their situation, but this is true only in the case of peasants with profitable farms, which means only 10—15% of them. The writer thinks that rent reduction should be carried out without delay, and stresses the psychological and political effect that this measure would have.

Expressing the hope, that despite all difficulties, India will succeed in basically completing the land reform by the end of the first Five Year Plan, H. D. Malaviya considers that the second Five Year Plan will certainly have to be a plan of industrialization, as only industrialization can settle the question of over-population in the countryside, and finally free the peasants from poverty.

At the end of his very interesting treatise, which provides an excellent survey of the land problems in India and gives much material for speculation, Mr. Malaviya advises Congress to pursue a bolder policy in the future, appeals for a revival of the spirit of courage and sacrifice which was shown at the time of the struggle for independence, and more direct contact with the people in the settlement of the land and all other problems. The reader cannot but agree with such a conclusion; and he will wish much success to the Indian people in their hard struggle for social progress.

D. Puhalo

Dissolution of „Sovroms"

A COMMUNIQUE was issued in Moscow and Bucharest on the 25th of September on the dissolution of twelve Soviet-Russian mixed enterprises known under the name of »Sovroms«. This news evoked great interest, even among the general public, because it forecast possible changes in Soviet economic policy in reference to the East European countries, and also the possibility of liquidating a situation which proved to be untenable in practice as well as pernicious for the »national democracies«.

There were 12 »Sovroms« in Rumania, that is twice of the total number of the mixed enterprises which were founded by the USSR in other Eastern countries. By means of »Sovroms« the Soviet Union participated directly in all important branches of Rumanian economy, and in air, bus, and river transport.

Participation in production was conditioned by sharing of profits. In the last nine years, the »Sovroms« had developed and strengthened so much that they controled completely the production of oil in Rumania, the production of tractors, natural gas, air passenger transport, shipyards, production of oil equipment, and road transport. Besides this they controled 70—79% of heavy industry, coal and timber, and they held in their hands the banking system in the same proportion to the social welfare sector.

Besides the fact that the majority of the products from mixed enterprises were taken by the Soviet Union, at much lower prices than the normal ones, the USSR collected large profits from Sovroms in Rumania itself. This was done according to the fifty-fifty division of income, as was noted in the contract. The Soviet Union took her percentage only in dollar, gold or goods, and her share sometimes amounted to as much as 10 billion ley.

Owing to »Sovroms« the Rumanian partner suffered great losses owing to the fact that the status of many Russian experts was privileged in relation to the Rumanian staff. The salaries of the Sovroms general directors who, according to the contracts, had to be Soviet citizens, as well as of the engineers and other Soviet staff, were 10—30% higher than those of the Rumanian staff with the same qualifications.

The decision to dissolve the »Sovroms« has undoubtedly been welcomed by the Rumanian people. In any case, it represents a concession to the Rumanian government and means an essential change in Soviet-Rumanian economic relations. But another point arises in this connection. It concerns the part of the communique in which it says: »for the value of the Soviet share in the mixed enterprises, the share which will be transferred to Rumania, the latter is to pay compensation in instalments, to be spread over a period of two years«. This is a very important point in the communique, and perhaps because of that it is vaguely formulated. It shows that Rumania has to reimburse the Soviets for their share in »Sovroms« but intentionally, the amount of the sum is not mentioned. When we analyse the origin of the Soviet »share« in »Sovroms«, and its relation to the amount of the Rumanian capital, etc. we can see from the very beginning that Rumania was in a difficult position, and she joined »Sovroms« because she was forced to do so for political reasons, and not because of economic interests.

According to the contracts signed between the Soviet and Rumanian governments on the foundation of »Sovroms« each partner had to supply 50% of the capital, and on the same principle they were to share the profits. The Soviet Union, however, never kept to this agreement. When »Sovrom Petrol« was founded, for instance, the USSR financed a certain number of refineries in Rumania, which had belonged to German companies or to those of other European countries occupied by the Germans during the Second World War. The Rumanians, however, financed their largest refineries and oil fields.

When the enterprise »Tars« was founded for passenger transport, the Rumanians provided the capital for their greatest airports and airplanes, to the value of 1,5 billion ley. The Soviet Union contributed airplanes and equipment estimated at some 600 million ley.

On the occasion of the formation of »Sovrom Tractor« enterprise, the Rumanians financed their greatest aeroplane factory (later reconstructed to produce tractors), while the USSR, as their »investment« sold licences for the Soviet tractors and, sent their engineers and experts to manage these enterprises. It was similarly the case when the mixed enterprises for coal, heavy industry and so on, were formed.

On the occasion of the division of profits, there were various irregularities affecting Rumania. While the USSR collected its entire share, Rumania was obliged to re-invest a large proportion of its share to increase the production of »Sovroms«.

All this meant that Rumania suffered twice on the formation of »Sovroms« and on its dissolution. In the beginning she often had to accept imaginary Soviet »investments« in the mixed Soviet enterprises, and now it seems that Rumania will have to compensate for these. It will be a heavy burden on Rumanian industry, and the real usefulness of the dissolution of »Sovroms« will be imperceptible for a number of years. According to some sources, compensation for Soviet »investments« in »Sovroms« will amount to over 300 million dollars, i.e. more than Rumania's war debt to the Soviet Union.

R. Žarković

ART AND CRITICISM

Vlada PETRIĆ

Ten Years of Yugoslav Films

THE making of motion pictures in Yugoslavia began to develop seriously only after the liberation in 1944, when the film industry, substantially supported by the State, was properly organized and was given every opportunity to develop fully, technically and artistically. Today, ten years after the establishment of the first film company in Belgrade, and seven years after the first full-length feature picture (»Slavica«), we may say that the Yugoslav films have made a considerable progress from their early beginnings considering that four hundred documentary films and over forty feature films have been produced in this country, although they have not yet attained, especially in the domain of feature films, the desired level.

From the historical point of view it should be mentioned that before the war attempts had been made in Yugoslavia, to create a national film industry; as early as 1910 a feature film »Karađorđe« was made, while the first Yugoslav cameraman Milton Manaki, shot the first record of event in 1905. But these attempts were not successful (about twenty pictures in all were made before the war in Yugoslavia); and those who wished to devote themselves to the film, such as the actors Ita Rina, Zvonimir Rogoz, Svetislav Petrović, and the producer Slavko Vorkapić had to go abroad.

Yugoslav cinematography, in fact, was born in 1944—45, and many people from various professions, but mostly from the theatre tried their hand at this new art. It is no wonder then, that the beginnings of our films were full of experiment and search. Now, on the tenth anniversary of the film art in Yugoslavia, in a retrospective appraisal of its achievements, we should say without hesitation that, from the artistic point of view the documentary films are far better than the feature films. It is another question whether the reason for this is the very small number of full length pictures produced — only the tenth of the documentary films, but it is a fact that Yugoslav documentary films have reached a European level, and that they have been favourably commented at international festivals.

Our documentary films are characterized by several styles, according to the conceptions and aspirations of the producers. The most interesting are those showing the beauty of our country, folklore and customs. The shooting of those films exacts enormous physical efforts (including journeys to remote regions) and requires brilliant photography; both these requirements are ideally fulfilled in the films directed by Žiža Ristić, who filmed the breathtaking descent of rafts down a mountain river (»The Drina Raftsmen«) and probably the most picturesque forests in our country (»On the Slopes of Maglić«). The films of the director Milenko Štrbac are outstanding because he makes use of a special film technique to express his ideas. He created an extraordinary atmosphere, similar to the sequences from the so-called »neorealistic« films, in the film about the primitive life of a remote village (»The Chain is Broken«), while in the film »In the Heart of Kosmet« he created a rhythmically successful montage sequence showing work of men and machines in a factory, clearly influenced by Sergei Eisenstein's theory of montage. The director Velja Stojanović is inclined to experiments, not always successful, tending to give original film expression in the unity of visual and auditive receptiveness. He achieved this in the film »Dead City« in which, by combining photography and poetical text he gave an impression of the Dalmatian city of Perast of whose mediaeval grandeur only ruins overgrown with weeds are left. In the trilogy »The Captive« the same director tried to show, through fantastic shadow on the walls of a prison, the psychic state of men who have languished in stone cells for years. But this rather abstract conception although some of its visual and musical components are interesting, is unfortunately only a bold and inventive experiment. The most difficult task, without any doubt, is of those directors who try to evoke notable events from the past only by the aid of old documents (pictures, objects, films). Having before the camera completely non-dynamic objects, these creators have to give dramatic atmosphere by means of composition, text and especially montage; and the director Mikel Čoči has been most successful in this (»In the Shadow of the Halberd«, »29th November«).

As can be seen the Yugoslav documentary films are diverse both in style and subject. It is impossible to enumerate the many other noteworthy documentary films, dealing with all aspects of social life and work. But all the directors we have named here have made the documentary film significant, from the artistic point of view, and worthy to compete with similar films produced abroad.

A scene from the film »Far is the Sun«

The chief shortcoming of feature pictures is the failure to find a specific style, in the broad sense of the word; for it is an undeniable truth that all film art must be first national, in order to be appreciated internationally. This does not mean that every nation must film national themes, but it is a fact that this art becomes noteworthy only then when it successfully and faithfully expresses a theme from the contemporary life, history, literature and politics of its own country. It is not surprising, therefore, that our best pictures are the most serious attempts in this sense. The pictures »Sofka« (based on the novel »Impure Blood« by Bora Stanković) and »Bakonja fra Brne« (based on a novel by Simo Matavulj of the same title), were remarkable attempts to express specifically a literary matter dealing with the life and people of the recent or remote past of Yugoslavia, and we are now looking forward to

»The Time of Anika« (from a story by our greatest contemporary writer Ivo Andrić). »Bakonja fra Brne« (directed by Fedor Hanžeković) has succeeded in revealing the psychology of the Yugoslav man (a boy's start in life) and in bringing to life the atmosphere of a characteristic class of the past (a monastery). »Sofka« (directed by Radoš Novaković) was intended to show the destruction of the soul of a girl from a traditional family in Serbia at the beginning of the XIXth century, but it was not entirely successful. The portrayal of Anika — a girl from Bosnia whose spiritual dilemma will be shown in the new picture, directed by Pogačić, is, therefore, awaited with impatience.

Speaking of pictures based upon literary works, one should mention »The Upstarts« directed by the well known theatrical producer Bojan Stupica, in which the actress Mira Stupica interprets one of the most impressive roles in Yugoslav motion pictures. Pogačić's picture »The Storm« is also remarkable, especially in respect of its style in directing. As to the handling of standard film technique, the most successful picture is »The Red Flower« (directed by Gustav Gavrin) showing life of Yugoslav prisoners of war in German camps. »Far is the Sun« (directed by Radoš Novaković and based on the novel of the same title by Dobrica Ćosić), which contains some moving scenes showing the self-abnegation of the Yugoslav partizans, is undoubtedly one of the best pictures based on motifs from the liberation struggle. We must also bear in mind that Yugoslav cinematography was successfully represented abroad by pictures for children such as the »Magic Sword« (directed by Vojislav Nanović) and »Kekec« (director Jože Gale), the latter having won an award at the Venice Festival; attempts were also made to present comedies on the screen (»The Suspect« and »Nobody's Child«) mostly based on plays by the greatest and most popular Serbian dramatist, who wrote in the period between the two wars, Branislav Nušić, or on themes drawn from contemporary life such as the comedy »Vesna« directed by František Čap, being the best among these.

The enumerated pictures are the most noteworthy of the forty feature films produced in Yugoslavia since the liberation. Although in respect of screen craftsmanship our pictures are not on a high level, the talent of their creators often makes up for their lack of technique. Radoš Novaković can be considered as good director of war pictures; Fedor Hanžeković faithfully portrays literary works on the screen; Vladimir Pogačić is an expert in screen technique; Bojan Stupica is a director who puts acting first and who knows how to get the maximum out of players. All these directors create in different styles and methods, and only their future pictures will give a more complete idea of their artistic value.

In order to improve the technical and artistic level of the films, and perhaps also to increase the profits, there is a tendency in Yugoslavia to make pictures in co-production with foreign companies. This cooperation functions in two different ways: either our company is merely technical and financial partner or, rather, helps a certain foreign company to make a picture in our studios and countryside without a great outlay; or our company engages local actors who play in these foreign pictures. The first form of co-production (the pictures »Sin« under the direction of František Čap, »Dalmatian Wedding« directed by Geza von Bolvary, »The Last Bridge«, directed by Edmund Keutner were made in this way) cannot be considered as entirely international cooperations, for the participation of one of the partners was so inconsiderable that these pictures could not be called bi-national. The picture »The Last Bridge« is an exception to a certain degree, for the screenplay is Yugoslav, and so are some technical staff, assistant directors, and actors in minor roles. But the real co-produced picture is one on which two nations have cooperated on a fifty-fifty basis, or if the cooperation on one side is not below 40%. If such be the case then the picture is chiefly the work of the company that contributed 60 per cent to the production. The first, the real co-produced Yugoslav film, is yet to come. Such pictures will be, undoubtedly »The Bloody Road« (Norwegian-Yugoslav co-production) and »Before Dawn« (Greek-Yugoslav co-production). One of the most important problems that co-production has to face is, inter alia, the selection of the screenplay. For it has been proved again and again that the film as a work of art is closely linked with the spirit, element and views of the country and men who make it. The theme must, therefore, be common, or at least common to some extent to both companies combining in the production of the picture, and moreover both parties must have similar view — a similar conception of the problem they are filming. Superficial themes, without any artistic pretensions, are the easiest to make in co-production, but they are not worth the artistic cooperation of nations. But any suitable theme for co-production can give outstanding results, and the new Yugoslav films co-produced with Greece and Norway will probably prove this.

As everywhere else, so in the Yugoslav film industry the lack of good screenplays that have both literary and filming value is felt. In adapting literary works either the artistic value of the original is lost, or the laws of cinematography are ignored. One of the most urgent tasks of the Yugoslav films is the search for new original screen plays by authors who are skilled in screen adaptation. It is very likely that the films we shall see this season will be a step forward. Slavko Vorkapić (the well known director of experimental films from the USA, who has returned to Yugoslavia) is shooting »Hanka« — a love story from Bosnian life, Radoš Novaković (in co-operation with the Norwegian Kare Bergström) is finishing the picture »The Bloody Road« a story about Yugoslav war prisoners in Norway. Hanžeković is making preparations to film »Agony« (based on Miroslav Krleža's drama), Bojan Stupica is completing the screenplay, »There is no Return« (drawn from the play »Without the Third« by Milan Begović). The filming of »The Two of Them«, »Echelon Dr. M.«, »The Girl and the Oak«, »Đerzelez Alija«, »Millions on an Island«, »Mr. Ikle's Jubilee« is under way, while screenplays for »The Legend of Ohrid« (based on the opera by Stevan Hristić) and »Dundo Maroje« are being prepared. These pictures are now being completed, the cooperation with foreign companies (Turkish, Greek, Austrian), and the engaging of eminent directors and actors from abroad fully justify our hopeful expectations about the new Yugoslav screen plays.

Having in view that there are in Yugoslavia about ten producing companies, three studios (in Belgrade, Zagreb and Sarajevo) and that the state gives substantial aid for the promotion of the industry, we may say that technical problems in Yugoslav cinematography can be relatively easily solved, for all the necessary equipment can be purchased, but the greatest and basic problem is to train quickly skilled and competent staff out of those who have already created good pictures and grasped the problems of film technique, and to find new talented people (in documentary films they were those who achieved greatest success) who will make films above the average. For the first problem patience is required, and for the second boldness.

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